

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GUY GRABNER,

Plaintiff,

ORDER

v.

09-cv-568-slc

TW VENDING, the vendor and owner of machines at
the Racine County Jail 717 Wis Ave 53403 and
RACINE COUNTY SHERIFF DEPT.,

Defendants.

In orders entered in this case on September 17, 2009 and November 3, 2009 plaintiff was told that before the court could consider his request to proceed *in forma pauperis* he would have to submit a trust fund account statement covering the six-month period preceding the filing of his complaint so that I could assess an initial partial payment of the \$350 fee for filing this case. Plaintiff's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted does not cover the six-month period immediately preceding the filing of the complaint.

Plaintiff's complaint was submitted on September 6, 2009. His trust fund account statement should cover the period beginning approximately March 6, 2009 and ending approximately September 4, 2009. Instead, it covers a two-month period beginning September 23, 2009 and ending November 12, 2009. This statement shows that on September 23, 2009 and on November 3, 2009 a sum of money was transferred into plaintiff's account from another institution. When a prisoner is incarcerated at one or more institutions during the six-month period immediately preceding the filing of his lawsuit, he is required under 28 U.S.C. §

1915(a)(2) to obtain a trust fund account statement “from the appropriate official of each prison at which [he] is or was confined” during the relevant period. Therefore, if plaintiff wants to continue with this lawsuit, he will have to write to any other institution in which he may have been confined between March 6, 2009 and September 4, 2009, to request a certified copy of his trust fund account statement for the appropriate period. Although it is not clear from the allegations of plaintiff’s complaint, it may be that plaintiff was not incarcerated until July 2009.¹ If plaintiff was not incarcerated before July 2009, he should advise the court promptly of that fact.

ORDER

IT IS ORDERED that plaintiff may have until December 15, 2009, in which to submit trust fund account statements for the period beginning March 6, 2009 and ending September 4, 2009. If, by December 15, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff’s filing his case at a later date.

Entered this 25th day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

¹ In a letter submitted July 14, 2009 in case 09-cv-461-slc *Grabner v. Jensen*, plaintiff noted that it was his first week in jail after having previously been released from prison in June 2008.